

TOWN OF BELMONT
ZONING BOARD OF APPEALS

20-21
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2020 JUL 24 AM 8:16

Case No.

20-21

Applicants:

Abhay and Aparna Mujumdar ✓

Property:

38 Cowdin Street ✓ 101 31

Date of Public Hearing:

July 13, 2020

MEMBERS SITTING:

Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member

MEMBERS VOTING:

Nick Iannuzzi, Chairman
Andrew Plunkett
Andrew Kelley, Associate Member
Teresa McNutt, Associate Member



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Bk: 01474 Pg: 66 Cert#: 259765

Doc: DECIS 03/18/2021 10:51 AM

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicants Abhay and Aparna Mujumdar at 38 Cowdin Street located in a Single Residence C (SRC) Zoning District request two (2) Special Permits under §1.5 of the Zoning Bylaw to construct a third floor addition.

Proposal

The Board held a duly noticed public hearing on the proposal on July 13, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicants, Abhay and Aparna Mujumdar propose to construct a third floor addition.

The applicants request 2 Special Permits from the Board to construct a third floor addition. The need for the Special Permits is triggered by the following facts:

1. Section 4.2 of the Zoning By-Laws Dimensional Regulations allow a maximum of 2-1/2 stories, The existing structure is three (3) stories. The lowest level of the dwelling is a basement (42.4% of the foundation walls are exposed) and is considered a story. The proposed addition is a three (3) story addition.
2. Minimum required front setback is 25.0' (On Middlecot Street), the existing and proposed front setback on Middlecot Street is 20.6'.

The applicants had submitted for the Board's review architectural drawings prepared by Royer Architects dated 6/2/2020, a plot plan and a zoning checklist dated 2/10/2020 and 4 letters of support from neighbors.

Sun Hong and Andrew Osborn, 6 Cumberland Road, spoke in support of the project. No one spoke in opposition to the project.

Mr. Mujumdar explained to the Board that the topography of land slopes down at the rear of the property thus exposing the foundation walls of the lower level making it a basement, which is considered as a story per the Town of Belmont's Zoning By-Law.

The proposed addition is on the second floor, it will replace an existing shed dormer with a new full height living space; it will add a new bedroom and a master bathroom. The proposed new attic space will not be used as habitable space.

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Conclusion

Pursuant to the "Gale vs. Gloucester" decision, the reliefs requested by the Applicants are by Special Permits.

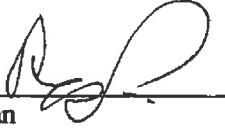
The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located." By-Law § 1.5.3.

The Board deliberated on July 13, 2020. The relief sought is for two (2) Special Permits. The proposal was considered by the Board. The Board found that the proposed addition do not substantially increase the nonconforming nature of the structures or create a new nonconformities. The Board concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structure and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion made by Chair Nick Iannuzzi and seconded by Andrew Kelley, the Board voted 4-0 to grant the two (2) Special Permits as requested.

For the Board,

Dated: July 22, 2020


Ara Yogurtian
Assistant Director
Office of Community Development


CERTIFICATION BY TOWN CLERK

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on July 24, 2020, and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits with Zero (0) conditions.

Statutory appeal periods, and thus the Issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

September 30, 2020


Ellen O'Brien Cushman, Town Clerk
Belmont, MA

